

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 75169

Ingleside LLC
c/o Kimco Realty Corporation
3333 New Hyde Park Road #100
New Hyde Park, NY 11042

5660 Baltimore National Pike

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 29, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; 32-3-102; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 410, 500.9, ZCPM Zoning Commissioners Policy Manual, failure to cease the operation of a class II trucking facility (two trucking containers), failure to remove all junk, trash and debris from residential property zoned BM known as 5660 Baltimore National Pike, 21228.

On May 10, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Charles Krick issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 5, 2010 for illegal Class II trucking facility, violation of commercial site plan and/or zoning codes, remove trash and debris, remove two illegally parked trucking containers from property. This Citation was issued on May 10, 2010.

B. Photographs in the file show two large trucking containers parked on this property, which is zoned B.M.-A.S. (Business, Major – Automotive Services). County zoning regulations prohibit the storage in a BM zone of truck trailers, or of freight-shipping containers designed to be mounted on chassis for transport. BCZR Section 101.1 (TRUCKING FACILITY; TRUCKING FACILITY, CLASS II); Section 233 (B.M. Zone Use Regulations). Storing these two containers outside violates County zoning regulations.

C. Photographs in the file show a small amount of litter and trash on the property. This violates prohibitions against the accumulation of junk, trash and debris on private property. BCC Section 13-4-201.

D. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by August 10, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9th day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf